

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LAJUAN FLEETWOOD,	:	Case No. 1:18-cv-574
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
HAMILTON COUNTY COURT OF	:	
DOMESTIC RELATIONS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORTS AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 4) AND
TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 20, 2018, submitted a Report and Recommendation. (Doc. 4). Plaintiff filed timely objections on August 31, 2018. (Doc. 5).

After reviewing the Report and Recommendation, Plaintiff's objections, and the case record, the Court finds that Plaintiff's objections are not well-taken. The Magistrate Judge found that Plaintiff's complaint should be dismissed because (1) Ohio courts are not sui juris, Plaintiff's § 1983 claims against the Hamilton County Court of Domestic Relations fail (Doc. 4 at 5); and (2) as judges have absolute immunity from suit for acts they commit while functioning within their judicial capacity, Plaintiff's claims against Judge Searcy fail. (*Id.* at 6).

Plaintiff's objections do not address the fact that Hamilton County Court of Domestic Relations is not sui juris.

Plaintiff's objections do argue that Judge Searcy is not immune from suit because her acts were not committed in a judicial capacity. (Doc. 5 at 5-6). However, this argument lacks merit. The Court agrees with the Magistrate Judge's finding that "the decisions made by Judge Searcy in connection with plaintiff's pending state court action are functions normally performed by judges." (Doc. 4 at 6). *See Alexander v. Rosen*, 804 F.3d 1203, 1208 (6th Cir. 2015) (granting absolute immunity to state family court judge and finding judge's actions in assessing fees, issuing an arrest warrant, and refusing to issue a stay are paradigmatically judicial acts).

Accordingly, the Court agrees with the Report and Recommendation's finding that Plaintiff's complaint should be dismissed for failure to state a claim upon which relief may be granted and because it seeks relief from a defendant who is immune from suit.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that Plaintiff's objections (Doc. 5) should be and are hereby **OVERRULED** and the Report and Recommendation (Doc. 4) should be and is hereby **ADOPTED** in its entirety.

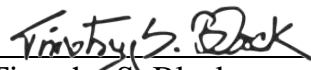
Accordingly, for the reasons stated above:

- 1) Plaintiff's complaint (Doc. 3) is **DISMISSED** with prejudice.

- 2) The Court certifies that, pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith and therefore Plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals; and
- 3) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 11/20/18



Timothy S. Black
United States District Judge